

From: Joe Kaufman
To: Microsoft ATR
Date: 12/10/01 9:38am
Subject: Microsoft Settlement

To Whom It May Concern:

I would just like to make a public comment regarding the settlement currently being considered in the Microsoft anti-trust case.

Specifically, I have strong sentiment against some language of the settlement regarding the latitude with which Microsoft will be able to interact with business partners. Section III(J)(2) contains some very strong language against not-for-profits. The language of the this section says that it [Microsoft] need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

Knowing how Microsoft has taken advantage of legalese in the past, I have no doubt that Microsoft could use this part of the settlement to treat Open Source software groups as veritable non-entities, locking them out of interacting with Microsoft's desktop monopoly. This would include groups which provide very prevalent software such as the Apache web server, the Perl programming language, and the Sendmail mail application. These items provide the backbone of the Internet as we know it, and also provide a very real, usable alternative to Microsoft's monopoly.

I strongly urge that the settlement not be allowed to pass in its current state. Vague language will allow Microsoft to morph the settlement into a tool for their own devices as they have done with past settlements. Let us not forget that Microsoft is guilty of misusing its monopoly power. Passing a settlement that might actually serve to further Microsoft's monopolistic behavior does not make very much sense.

Sincerely,
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